

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED FOOD AND COMMERCIAL
WORKERS UNION AND
PARTICIPATING FOOD INDUSTRY
EMPLOYERS TRI-STATE PENSION
FUND, individually and on behalf of all
others similarly situated,

Plaintiff,

VS.

BANK OF NOVA SCOTIA, NEW YORK
AGENCY; BMO CAPITAL MARKETS
CORP.; BNP PARIBAS SECURITIES
CORP.; BARCLAYS CAPITAL INC.;
CANTOR FITZGERALD & CO.; CIBC
WORLD MARKETS CORP.; CITIGROUP
GLOBAL MARKETS INC.; COMMERZ
MARKETS LLC; CREDIT SUISSE
SECURITIES (USA) LLC; DAIWA
CAPITAL MARKETS AMERICA INC.;
DEUTSCHE BANK SECURITIES INC.;
GOLDMAN, SACHS & CO.; HSBC
SECURITIES (USA) INC.; JEFFERIES LLC;
J.P. MORGAN SECURITIES LLC;
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED; MIZUHO
SECURITIES USA INC.; MORGAN
STANLEY & CO. LLC; NOMURA
SECURITIES INTERNATIONAL, INC.;
RBC CAPITAL MARKETS, LLC; RBS
SECURITIES INC.; SG AMERICAS
SECURITIES, LLC; TD SECURITIES (USA)
LLC; and UBS SECURITIES LLC,

Defendants.

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Civil Action No.: 1:15-cv-05931-PGG

Hon. Paul G. Gardeshe

**STIPULATION SETTING TIME FOR DEFENDANTS
TO ANSWER, MOVE, OR OTHERWISE RESPOND TO THE COMPLAINT
AND FOR THE PARTIES TO PROPOSE CERTAIN CASE MANAGEMENT DATES**

WHEREAS, on July 23, 2015, plaintiff State-Boston Retirement System filed a complaint in Case No. 1:15-cv-05794 in the Southern District of New York (“State Boston case”);

WHEREAS, on July 23, 2015, plaintiffs Beaver County Employees’ Retirement Fund, Erie County Employees’ Retirement System, and Lackawanna County Employees’ Retirement Fund filed a complaint in the above-captioned case (“Beaver County case”);

WHEREAS, on July 24, 2015, plaintiff Arkansas Teacher Retirement System filed a complaint in Case No. 1:15-cv-05830 in the Southern District of New York (“Arkansas Teacher case”);

WHEREAS, on July 24, 2015, plaintiff Marc G. Federighi filed a complaint in Case No. 1:15-cv-05843 in the Southern District of New York (“Federighi case”);

WHEREAS, on July 28, 2015, plaintiffs United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund filed a complaint in Case No. 1:15-cv-05931 in the Southern District of New York (“United Food case”);

WHEREAS, on July 29, 2015, plaintiff Inter-Local Pension Fund Graphic Communications Conference of the International Brotherhood of Teamsters filed a complaint in Case No. 1:15-cv-5939 in the Southern District of New York (“Inter-Local case”);

WHEREAS, on July 29, 2015, plaintiff United International Insurance Company filed a complaint in Case No. 1:15-cv-05957 in the Southern District of New York (“UI Insurance case”);

WHEREAS, on July 30, 2015, plaintiff IBEW Local 640 Arizona Chapter NECA Pension Trust Fund filed a complaint in Case No. 1:15-cv-06003 in the Southern District of New York (“IBEW case”);

WHEREAS, on August 3, 2015, plaintiff City of Pontiac Police and Fire Retirement System filed a complaint in Case No. 1:15-cv-06072 in the Southern District of New York (“City of Pontiac Police case”);

WHEREAS, on August 4, 2015, plaintiff Rutgers Enhanced Insurance Company filed a complaint in Case No. 1:15-cv-06129 in the Southern District of New York (“Rutgers case”);

WHEREAS, on August 5, 2015, plaintiff Michael St. John filed a complaint in Case No. 1:15-cv-6139 in the Southern District of New York (“Michael St. John case”);

WHEREAS, the State-Boston, Beaver County, Arkansas Teacher, Federighi, United Food, Inter-Local, UI Insurance, IBEW, City of Pontiac Police, Rutgers, and Michael St. John cases have been assigned to the Honorable Paul G. Gardephe;

WHEREAS, on July 29, 2015, Judge Gardephe set the State-Boston, Beaver County, and Arkansas Teacher cases for an initial pre-trial conference on October 8, 2015;

WHEREAS, the Order setting the October 8 pre-trial conference directs the parties to submit a joint letter and Proposed Case Management Plan seven days prior to the conference date;

WHEREAS, the allegations in the aforementioned lawsuits are substantially similar, and other plaintiffs may file additional complaints asserting substantially similar allegations and claims (collectively, the “Related Actions”);

WHEREAS, on August 14, 2015, all the Defendants in the above-captioned matter, except the undersigned Defendants, entered into a stipulation substantially identical to the that set forth herein, which was so ordered by the Court on August 17, 2015 (ECF No. 70) (“August 17, 2015 Order”);

WHEREAS, the parties wish to extend the provisions of the Court’s August 17, 2015 Order to the undersigned Defendants;

WHEREAS, there have been no prior requests on behalf of the undersigned Defendants to extend any deadlines in the above- captioned lawsuit;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

1. The undersigned counsel accept service of the complaint in the above-captioned lawsuit on behalf of their respective clients, expressly reserving the right to contest whether any party in the complaint is properly named, and without waiver of any defenses, including those related to personal jurisdiction and venue, except as to the sufficiency of process and the service of process.
2. Defendants’ time to answer, move or otherwise respond to the complaint is hereby suspended until such time as the United States District Court for the Southern District of New York or any other court to which the case is assigned enters an order coordinating or consolidating the foregoing cases and any Related Actions, provided that: upon resolution of proceedings concerning coordination or consolidation of the foregoing cases and any Related Actions, the parties shall confer in good faith regarding a proposed schedule for filing and responding to any consolidated complaint.
3. If Defendants’ time to answer, move, or otherwise respond to a complaint in any Related Action or other pending action is not similarly suspended pending the coordination or consolidation proceedings, the parties shall meet and confer in good faith concerning the

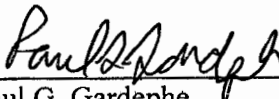
schedule in this action, with each side preserving all rights to apply to this Court or any other Court of competent jurisdiction for appropriate relief.

4. The parties will submit the joint letter as directed in the Pretrial Conference Notice. The undersigned counsel further agree, subject to the approval of the Court, to extend, until at least 60 days after the foregoing cases and any Related Actions have been coordinated or consolidated and any lead and liaison counsel have been identified for the proceedings, the time for submitting the proposed Case Management Plan specified in the Court's Pretrial Conference Notice.

DATED: August 25, 2015


SO ORDERED, at New York, N.Y.,

August 26, 2015



Hon. Paul G. Gardephe
United States District Judge

x ml



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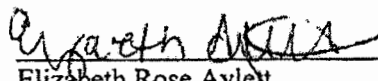
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Certificate of Service

I hereby certify that a true and correct copy of the above document is being served by electronic mail to the designated counsel of record for Plaintiffs in the above-captioned action on this 25th day of August, 2015.

/s/ Mark D. Villaverde